IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3099 OF 2005

Ranapratap Damariprasad Choudhary ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.Ganesh Gole with Mr.Indrajeet Joshi for the Applicant
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 13,2005.

P.C.:

1. This application is by the accused No.2. On the basis of complaint filed by one Shri Ranaveerkumar Kaushal a case is registered at Turbhe Police Station under Sections 419 and 420 read with Section 34 of the Indian Penal Code. The Applicant was arrested on 21st January 2005.

2. The allegation of the complainant is that one Gokul Prasad Pande @ Rajesh Mishra approached the complainant posing himself to be a businessman having mills and factories at Ahmedabad and office at Kalbadevi, Mumbai. The said Gokul accused No.1 represented that he was dealing with business of export, import and sale of garlic. The Applicant and the Accused No.3 Badhresh Jani were introduced to the complainant as the Partners of accused No.1. The case of the complainant is that the said Gokul induced complainant to invest money in the business of import and sale of garlic. Accused No.1 assured to obtain a licence in the name of the son of the complainant. The case of the complainant is that he was

represented that 30 containers containing garlic imported from China were brought to India by Universal Export Company. The case is that the complainant sold his shop and from the consideration received, he agreed to buy five containers of garlic and paid necessary amount to the accused No.1.

3. The learned Counsel appearing for the Applicant has placed on record a copy of Judgment and Order passed by the learned Sessions Judge in Criminal Application No.395 of 2005 filed by accused No.3 Badhresh Jani. By the said Judgement and Order the learned Sessions Judge has enlarged the accused No.3 on bail. The learned Counsel appearing for the Applicant submitted that the case of the accused No.2 is not different from the case of accused No.3. The learned A.P.P. appearing for the State submitted that though there is some similarity in the allegations against the accused Nos.2 and 3, it is found that the present Applicant has signed receipts in the sum of Rs.13 lakhs of the amount taken from the complainant.

4. I have considered the rival submissions. The case of the prosecution is that accused No.1 is a brain behind conspiracy. The accused No.1 who has induced the complainant to invest the substantial amount in the business of import of garlic. Considering the assertions made in the complaint filed by the complainant, the role played by accused Nos.2 and 3 appears to be similar. Now the investigation is complete and charge sheet has been admittedly filed.

5. In view of the position that the allegations made against

the accused Nos.2 and 3 are substantially of the same nature, there is no reason to deny benefit of parity to the Applicant.

6. At this stage the learned A.P.P. states that there is no fixed address of the Applicant herein. This fact can be taken care of by directing the Applicant to furnish two local sureties.

7. Hence I pass the following order :

i) The Applicant shall be released on bail on furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees twenty five thousand only) with two local sureties in the like amount.

ii) The Applicant will remain present before the Trial Court on all the dates fixed and will cooperate with the Trial Court for early disposal of the case. Delay in disposal of the trial on account of the Applicant will be a ground for cancellation of the bail.

iii) The bail is granted subject to the condition that the Applicant shall not make any effort to influence or pressurise the prosecution witnesses and shall not tamper with the prosecution evidence and will attend the concerned Police Station on every Sunday between 4.00 p.m. to 6.00 p.m.

iv) Application is disposed of in above terms.

. Parties to act upon an authenticated copy of this order.

JUDGE